

In The District Court of Cherokee Nation

FILED  
2022 AUG 25 PM 4:39

David Comingdeer,  
Plaintiff,

Case No. CV 2016-180

v.

Cherokee Nation,  
Defendant.

CHEROKEE NATION  
DISTRICT COURT  
WAGSII MONCOBYEA  
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Final Judgment Under Advisement, Verdict Form 1, and Verdict Form 2


The matter contained three causes of action, said causes of actions were bifurcated, meaning the final say is partially up to the Judge and partially up to the Jury. Judgements and Verdicts shall be considered as stated below:

1. Whistleblower Act Violation is held under advisement by the Court;
2. Constructive Discharge. See attached Verdict Form 2. Note amount of damages are advisory in nature. The court holds the final ruling on damages under advisement along with any equitable relief.
3. Violation of Article III of the Cherokee Nation Constitution. See attached Verdict Form 1;

NOTE: Per District Court Rule 163, matters taken under advisement shall be rendered within sixty (60) days of the date on which the matter was taken under advisement.

It is so ordered.

Dated: August 25, 2022



District Court Judge

**Verdict Form**

**IN THE DISTRICT COURT OF THE CHEROKEE NATION**

**DAVID COMINGDEER,** )  
 )  
**Plaintiff,** )  
 )  
**v.** ) **Case No. CV 2016-180**  
 )  
 ) **(Jury Trial Demanded)**  
**CHEROKEE NATION,** )  
**DIANE KELLY,** )  
**and JOHN AND DOES 1-3** )  
 )  
**Defendants.** )

**VERDICT FORM 1**

We, the jury lawfully empaneled and sworn in the case of David  
Comingdeer v Cherokee Nation, CV2016-180, find as follows:

Has plaintiff proved by a preponderance of the evidence that defendant  
violated Article III of the Cherokee Nation Constitution?

                                            
Yes                                      No

Verdict rendered this 25<sup>th</sup> day of August 2022.

Jacob Suskey  
Foreperson of the Jury

**Verdict Form**

**IN THE DISTRICT COURT OF THE CHEROKEE NATION**

**DAVID COMINGDEER,** )  
 )  
**Plaintiff,** )  
 )  
**v.** ) **Case No. CV 2016-180**  
 )  
 ) **(Jury Trial Demanded)**  
**CHEROKEE NATION,** )  
**DIANE KELLY,** )  
**and JOHN AND DOES 1-3** )  
 )  
**Defendants.** )

**VERDICT FORM 2**

We, the jury lawfully empaneled and sworn in the case of David  
Comingdeer v Cherokee Nation, CV2016-180, find as follows:

Has plaintiff proved by a preponderance of the evidence that defendant  
constructively discharged him?

  ✓                                    
Yes                              No

***SEE PAGE 2***

If your answer is "Yes", please indicate the amount of damages Mr.

Comingdeer is entitled to receive:

Past loss of Earnings	\$ <u>290,000</u>
Past loss of Employment benefits	\$ <u>75,000</u>
Past mental and emotional distress	\$ <u>250,000</u>

Verdict rendered this 25<sup>th</sup> day of August 2022.

Jacob Suskey  
Foreperson of the Jury